



States That Offer Certificates of Rehabilitation or Other Means of Removing Occupational Bars

Arizona: (1977)

Only Restoration of Civil Rights, which is available to individuals convicted of two or more felonies upon completion of probation or discharge from prison. The date of the order and the fact that the individual's civil rights have been restored will appear on the individual's record. AZ ST §§ 13-905 and 13-906. The civil rights of first-time felony offenders are restored automatically upon completion of criminal sentence. ARIZ. REV. STAT. § 13-912. Once an individual's civil rights have been restored, public employment or occupational licensure may be denied on the basis of a conviction only if a reasonable relationship exists between the conviction and employment or license sought. ARIZ. REV. STAT. § 13-904(E).

California: (1943)

A Certificate of Rehabilitation that declares that an individual convicted of a felony is rehabilitated and may relieve an individual of registering as a sex offender. However, civil liberties are generally only restored by both a certificate and a pardon. In addition, while a certificate alone generally cannot remove occupational bars, it is a prerequisite to obtaining a pardon, which may relieve such a bar. CAL. PENAL §§ 4852.01(a)-(d) and 4852.17. See also http://www.bpt.ca.gov/pardon_txt.html.

Illinois (2003)

Removes automatic criminal record bars for individuals granted certificates of relief from disabilities or good conduct for 18 occupational licenses and prohibits licensing agencies from denying licensure to the individual solely on the basis of their having a criminal record or for a finding of lack of good moral character if the finding is based on the fact that they have a criminal history. The licensing agencies must also consider eight factors in their determination if they person would pose a threat to people or to property or if there is a substantial relationship between the record and the duties for the license.

<http://www.legis.state.il.us/legislation/publicacts/93/PDF/093-0207.pdf>
<http://www.legis.state.il.us/legislation/publicacts/93/PDF/093-0914.pdf>

Nevada:

(1973, amended 2003)

An individual may apply for restoration of his civil rights once he has served his sentence and been released from prison. NEV. REV. STAT. § 213.157. In addition, an individual may apply for restoration of civil rights six months after being granted an honorable discharge from probation or parole. NEV. REV. STAT. §§ 213.157 and 176A.860. A person who has been honorably discharged from probation and had his civil rights restored may vote, hold office, serve as a juror and deny the existence of the conviction to most employers. NEV. REV. STAT. § 176A.850. In addition, an individual may apply for a pardon which may or may not include restoration of civil rights. NEV. REV. STAT. § 213.090. A pardon does not lift occupational bars. Op. Att’y Gen. 83-13, Sept. 14, 1983. Approximately ten to twenty persons receive pardons each year in Nevada. Telephone Interview with Susan McCurdy, Executive Secretary, Nevada Board of Parole and Pardons (August 13, 2002).

New Jersey:

(1968)

If not incompatible with the welfare of society, the Parole Board may grant certificates of good conduct to assist an individual’s rehabilitation that preclude licensing authorities from disqualifying or discriminating against an applicant based upon a criminal conviction. To be eligible, the applicant must be previously paroled by the Board and two years must have elapsed since any similar application was denied. N.J. ADMIN. CODE tit. 10A, §§ 70-8.1 et seq. Restoration of rights and pardons are also available. N.J. STAT. ANN. § 2A:167.5.

New York:

(1966-CRD, 1976-CGC)

Certificates of relief from disabilities and certificates of good conduct are offered and automatically lift occupational bars. Certificates of relief from disabilities are available to individuals with any number of misdemeanor convictions but no more than one felony conviction. Separate certificates are necessary for each conviction. Temporary certificates are available while on probation or parole, and become permanent unless revoked. N.Y. CORRECT. LAW §§ 700-03.

Following waiting periods that vary based upon severity of the offense, certificates of good conduct are available to individuals with any number of misdemeanor convictions and two or more felony convictions. One certificate will cover all convictions. N.Y. CORRECT. LAW §§ 700 and 703-b.